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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 UNITED STATES OF AMERICA, ) No. CR 07-00745 JF  
18 Plaintiff, ) STIPULATION AND [PROPOSED]  
19 v. ) ORDER EXCLUDING TIME FROM  
JOSE TORRES-CALDERON, ) FEBRUARY 6, 2008 TO MARCH 5, 2008  
Defendant. ) FROM THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C. §  
3161(h)(8)(A))  
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21 The parties stipulate that the time between February 6, 2008 and March 5, 2008 is excluded  
22 under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the requested  
23 continuance would unreasonably deny defense counsel reasonable time necessary for effective  
24 preparation, taking into account the exercise of due diligence. Finally, the parties agree that the  
25 ends of justice served by granting the requested continuance outweigh the best interest of the  
26 public, and the defendant in a speedy trial and in the prompt disposition of criminal cases.

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1 18 U.S.C. §3161(h)(8)(A).

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3 DATED: February 11, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

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5 /s/  
6 BENJAMIN T. KENNEDY  
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8 /s/  
9 JERRY FONG  
Attorney for Defendant

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## ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between February 6, 2008 and March 5, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

JEREMY FOGEL  
UNITED STATES DISTRICT JUDGE